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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Goodman et al.	Group Art Unit: 1647
Serial No. 08/971,172	Examiner: Turner, S.
Filed: November 14, 1997	Attorney Docket No. B98-006-2
For: *Robo: A Novel Family of Polypeptides and Nucleic Acids*	CERTIFICATE OF TRANSMISSION I hereby certify that this corr is being transmitted by facsimile to the Comm for Patents at (703) 305-8825 on September 10, 2001. Signature _____ Richard Aron Osman

REQUEST FOR CLARIFICATION AND TO RESCIND DECISION OF GROUP DIRECTOR

The Commissioner for Patents
Washington, DC 20231

Dear Commissioner:

I maintain that the Commissioner has exhausted his statutory authority to reject the claims of this patent application; I petition for immediate allowance of all pending claims for the reasons stated in our petition transmitted on June 19, 2001.

I ask the Commissioner to rescind the Decision of the Group Director, mailed July 9, 2001. Should the Commissioner elect to adopt the decision of the Group Director, I further solicit clarification of the Commissioner's construction of 35USC132. The Group Director states that 35USC132 entitles an applicant to "at least" one examination, "but does not preclude multiple reexaminations" - and alleges that "there is no requirement that [examination] must be concluded in any set number of Office actions". The subject application has been subject to five examinations on the merits. Is it really the Commissioner's position that the law provides no finite limit on the number of examinations to which he can subject this application? If five examinations are permissible, are ten? One hundred?

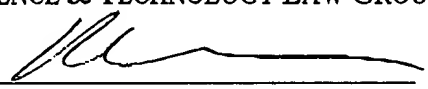
If so, is such an administrative policy consistent with due process, particularly here, where under the Office's implementation of appellate procedure under 35USC134, the Office routinely declines to answer appeals, but instead simply reopens prosecution under

37CFR1.193(b)(2), a practice which the undersigned encounters with *most* of the appeals he files in this technology center and a practice to which the present Examiner (Turner) and Supervisor (Kunz) have personally subjected the undersigned in copending applications[1]?

Finally we suggest that the Group Director's decision misapprehends the statutory role of the USPTO in issuing patents. 35USC151 requires the Commissioner to issue a patent if it appears that an applicant is entitled to a patent under the law, and that law includes the examination confines of 35USC131, 35USC132 and 35USC134. It is these laws that define allowability and issuance of patent claims. Determining the validity of a patent is the province of the judiciary.

The Commissioner is hereby authorized to charge any fees or credit any overcharges relating to this communication to my Deposit Account No. 19-0750 (order B98-006-2).

Respectfully submitted,
SCIENCE & TECHNOLOGY LAW GROUP



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[1] Serial numbers are omitted as kindly suggested by Robert Bahr, to avoid cross-referencing unrelated applications; however, at the Commissioner's request, the undersigned would be pleased to provide a record verifying the frequency that appeals filed by the undersigned are not answered.